

APR 21 2003
PATENT & TRADEMARK OFFICE

4-22-03

8KCE/1100
PTO/SB/30 (10-01)
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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Address to:
Commissioner for Patents
Box RCE
Washington DC 20231

| | |
|------------------------|---------------|
| Application Number | 09/803,225 |
| Filing Date | March 9, 2001 |
| First Named Inventor | COVARRUBIAS |
| Art Unit | 1731 |
| Examiner Name | Chin, Peter |
| Attorney Docket Number | 3597-118-01 |

RECEIVED
APR 25 2001
TC 1700

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114

- a. Previously submitted
- i. Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on March 14, 2003
(Any unentered amendment(s) referred to above will be entered).
 - ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - iii. Other _____
- b. Enclosed
- | | |
|--|--|
| i. <input type="checkbox"/> Amendment/Reply | iii. <input type="checkbox"/> Information Disclosure Statement (IDS) |
| ii. <input type="checkbox"/> Affidavit(s)/Declaration(s) | iv. <input type="checkbox"/> Other _____ |

2. Miscellaneous

- a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. Other Amendment After Final filed March 14, 2003

3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-0925
- | | |
|--|--|
| i. <input type="checkbox"/> RCE fee required under 37 CFR 1.17(e) | <u>04/23/2003 YPOLITE1 00000039 09803225</u> |
| ii. <input type="checkbox"/> Extension of time fee (37 CFR 1.136 and 1.17) | <u>01 FC:1801 750.00 0P</u> |
| iii. <input type="checkbox"/> Other _____ | |
- b. Check in the amount of \$ _____ enclosed
- c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|---------------|-----------------------------------|----------------|
| Name (Print/Type) | Luke A. Kilyk | Registration No. (Attorney/Agent) | 33,251 |
| Signature | | Date | April 21, 2003 |

CERTIFICATE OF MAILING OR TRANSMISSION

Date April 21, 2003 Label No. EV116556173US

I hereby certify that, on the date indicated above, I deposited this paper with identified attachments and/or fee with the U.S. Postal Service and that it was addressed for delivery to the Assistant Commissioner for Patents, Washington, DC 20231 by "Express Mail Post Office to Addressee" service.

| | | | |
|-------------------|--------------|------|----------------|
| Name (Print/Type) | Ashley Smith | Date | April 21, 2003 |
| Signature | | | |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.

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S E C U R I T Y
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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant Claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$1,050.00)

Complete if Known

| | |
|----------------------|---------------|
| Application Number | 09/803,225 |
| Filing Date | March 9, 2001 |
| First Named Inventor | COVARRUBIAS |
| Examiner Name | Chin, Peter |
| Art Unit | 1731 |
| Attorney Docket No. | 3597-118-01 |

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None Deposit Account

Deposit Account Number

50-0925

Deposit Account Name

Kilyk & Bowersox, P.L.L.C.

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments

Charge any additional fee(s) during the pendency of this application

Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | Small Entity | Fee Description | Fee Paid |
|--------------|--------------|--------------------------------|----------|
| 1001 | 750 | 2001 375 Utility filing fee | |
| 1002 | 330 | 2002 165 Design filing fee | |
| 1003 | 520 | 2003 260 Plant filing fee | |
| 1004 | 750 | 2004 375 Reissue filing fee | |
| 1005 | 160 | 2005 80 Provisional filing fee | |

SUBTOTAL (1) (\$0.00)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Independent Claims | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------------|--------------|----------------|----------|
| | | -20**= | X | |
| | | -3***= | X | |

Multiple Dependent

| Large Entity | Small Entity | Fee Description | Fee Paid |
|--------------|--------------|--|----------|
| 1202 | 18 | 2202 9 Claims in excess of 20 | |
| 1201 | 84 | 2201 42 Independent claims in excess of 3 | |
| 1203 | 280 | 2203 140 Multiple dependent claim, if not paid | |
| 1204 | 84 | 2204 42 **Reissue independent claims over original patent | |
| 1205 | 18 | 2205 9 **Reissue claims in excess of 20 and over original patent | |

SUBTOTAL (2) (\$0.00)

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|----------|----------|----------|----------|--|----------|
| 1051 | 130 | 2051 | 65 | Surcharge – late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge – late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for ex parte reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 410 | 2252 | 205 | Extension for reply within second month (one month previously paid) | 300.00 |
| 1253 | 930 | 2253 | 465 | Extension for reply within third month | |
| 1254 | 1,450 | 2254 | 725 | Extension for reply within fourth month | |
| 1255 | 1,970 | 2255 | 985 | Extension for reply within fifth month | |
| 1401 | 320 | 2401 | 160 | Notice of Appeal | |
| 1402 | 320 | 2402 | 160 | Filing a brief in support of an appeal | |
| 1403 | 280 | 2403 | 140 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive – unavoidable | |
| 1453 | 1,300 | 2453 | 650 | Petition to revive – unintentional | |
| 1501 | 1,300 | 2501 | 650 | Utility issue fee (or reissue) | |
| 1502 | 470 | 2502 | 235 | Design issue fee | |
| 1503 | 630 | 2503 | 315 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 750 | 2809 | 375 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 1810 | 750 | 2810 | 375 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 1801 | 750 | 2801 | 375 | Request for Continued Examination (RCE) | 750.00 |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$1,050.00)

SUBMITTED BY

Complete (if applicable)

| | | | | | |
|-------------------|---------------|--------------------------------------|--------|-----------|----------------|
| Name (Print/Type) | Luke A. Kilyk | Registration No. (Attorney/Agent) | 33,251 | Telephone | 1-540-428-1701 |
| Signature | | | | Date | April 21, 2003 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 37 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Date: April 21, 2003 Label No. EV116556173US I hereby certify that, on the date indicated above, I deposited this paper with identified attachments and/or fee with the U.S. Postal Service and that it was addressed for delivery to the Assistant Commissioner for Patents, Washington, DC 20231 by "Express Mail Post Office to Addressee" service.

Ashley Smith

Name (Print)

Signature